

**[PROPOSED] COURT-DIRECTED NOTICE REGARDING ISSUANCE OF SUBPOENA**

A subpoena has been issued directing your Internet Service Provider (“ISP”), to disclose your name. The subpoena has been issued because your Internet service has been identified for infringing copyrights by uploading and/or downloading a movie made by Plaintiff Discount Video Center, Inc. This notice is intended to inform you of some of your rights and options.

**YOUR NAME HAS NOT YET BEEN DISCLOSED. YOUR NAME WILL BE DISCLOSED IN 30 DAYS IF YOU DO NOT CHALLENGE THE SUBPOENA**

The movie studio Plaintiff has given the Court sufficient information about alleged infringements of Plaintiff's copyright in its movie to obtain a subpoena to identify you as a possible infringer. The Court has not yet decided that an infringement has actually occurred using your Internet service or who is liable for such infringement, whether it be you or someone else who used your Internet service, or both. In this regard, however, even if you are not the person who committed or is otherwise liable for such infringement, you, as the Internet service subscriber, are the person who is currently known to have the best knowledge regarding who that alleged infringer is.

You can challenge the subpoena in Court. You have 30 days from the date that this notice is sent to file a motion to quash or vacate the subpoena. If you file a motion to quash the subpoena properly, your identity will not be disclosed until the motion is resolved.

You, of course, may consult with your own attorney. The second page of this notice can assist you in locating an attorney, and lists other resources that may be of help to you.

You are not required to do anything at this time. However, if you do not file a motion to quash, at the end of the 30-day period your ISP will send to Plaintiff's counsel your identification information.

**OTHER ISSUES REGARDING THE LAWSUIT**

To maintain a copyright infringement lawsuit against a person in the District Court of Massachusetts, the movie studio Plaintiff must establish jurisdiction over a person in Massachusetts. If that person does not live or work in Massachusetts, or visit the state regularly, that person may be able to challenge the Massachusetts court's jurisdiction over them. If the challenge is successful, the case in Massachusetts will be dismissed as to that person, but the movie studio may be able to file against that person in another state where there is jurisdiction.

The movie studio Plaintiff may be willing to discuss the possible settlement of its claims against those persons who would like to resolve the matter by settlement. The parties may be able to reach a settlement agreement without names appearing on the public record. However, people may be asked to disclose their identity to the movie studio if they seek to pursue settlement. If a settlement is reached, your participation in this case will likely no longer be necessary. It is possible that persons who seek to settle at the beginning of a case will be offered more favorable settlement terms by the movie studio Plaintiff. You may contact the movie studio Plaintiff's representatives by phone at (413) 268-6500, by fax at (413) 268-6500, or by e-mail at [contact@marvincable.com](mailto:contact@marvincable.com).

As noted above, you may wish to find and consult with your own lawyer (see resource list below) to help you evaluate the legal issues in this lawsuit.

## RESOURCE LIST

The organizations listed below provide guidance on how to find an attorney. If you live in or near Massachusetts or Boston, the second and third listings below provide referrals for local attorneys.

### **American Bar Association**

<http://apps.americanbar.org/legalservices/iindlegalhelp/home.cfm>

### **Massachusetts Bar Association**

<http://www.massbar.org>

Lawyer referral service: (617) 33 8-0610

### **Boston Bar Association**

<http://www.bostonbar.org>

Lawyer referral service: (617) 742-0625

The organizations listed below have appeared before other courts around the country in similar lawsuits as “friends of the court” to attempt to protect what they believe to be the due process and First Amendment rights of Doe defendants.

### **Electronic Frontier Foundation**

454 Shotwell Street

San Francisco, California 941 10-1914

E-mail: [information@eff.org](mailto:information@eff.org)

### **Public Citizen**

1600 20th Street, NW

Washington, DC 20009

Phone: (202) 588-7721

E-mail: [litigation@citizen.org](mailto:litigation@citizen.org)